



W.P (MD).No.29705 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.29705 of 2024

S.Sankar

...Petitioner

Vs.

- 1 The Inspector General of Registration, 100, Santhom Highway, Chennai - 600 028.
- 2 The District Registrar
Meelavittan Road, Pol Pettai,
Muthammal Colony,
Thoothukudi District.
- 3 The Sub Registrar
Kommadikottai Sub Registrar Office,
Thoothukudi District.
- 4 The Joint Commissioner
Arulmigu Subramaniya Swamy Temple,
Thiruchendur, Thoothukudi District.
- 5 The Special Tashildar
Arulmigu Subramaniya Swamy Temple,
Thiruchendur, Thoothukudi District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 to 3 to remove ban on their official website and permit the petitioner to register sale deed in



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connection with agricultural land comprised in Survey Number 144 situated at Arasur Village - I Sathankulam Taluk Thoothukudi District based on the petitioners representation dated 16.11.2024 within the time stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu
For R1 to R3 : Mr.S.P.Maharajan
Special Government Pleader
For R4 & R5 : Mr.G.Muthugeethaiyan

ORDER

This writ petition has been filed for a direction directing the respondents 1 to 3 to remove ban on their official website in respect of Survey Number 144 situated at Arasur Village - I, Sathankulam Taluk, Thoothukudi District and permit the petitioner to deal with the property.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. The petitioner had purchased the land measuring 5 acres comprised in Survey No.144, situated at Arasur Village, Sathankulam Taluk, Thoothukudi



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District from one Muthupandi by the registered sale deed, dated 02.01.2011 vide document No.1600 of 2011. Thereafter, the revenue records were also mutated in his name and also issued with patta No.2761. When the petitioner intended to alienate the subject property he found that there is a ban in Survey Number 144 situated at Arasur Village - I, Sathankulam Taluk, Thoothukudi District as if, it belongs to Arulmigu Subramaniya Swami Thirukovil. In order to clarify this issue, the petitioner approached the fourth respondent and obtained information under the RTI Act by the communication dated 29.05.2024. The Special Tahsildar reported to the fourth respondent that the property in Survey No.144/A & B are registered in the name of private persons and not in the name of the Temple. The communication, dated 21.06.2024 issued to the petitioner by the fourth respondent also revealed that the property in Survey No.144 appeared in the UDR Survey No.144/A & B registered in the name of private persons and not in the Temple name. Therefore, the petitioner submitted a representation to lift the ban in order to deal with the property in Survey No.144 situated at Arasur Village - I, Sathankulam Taluk, Thoothukudi District.

5. The learned counsel appearing for the respondents 4 & 5, on instructions, would submit that including the subject land totally 370.15 acres



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were gifted in favour of the fourth respondent temple. All the lands are Kattalai Lands. That apart, the Hon'ble Division Bench of this Court in ***W.P(MD)No. 11517 of 2019, dated 28.04.2023*** held that the property belongs to the temple should be used only for the religious purposes and connected activities and directed the authorities concerned to conduct a comprehensive survey, identify the classification of the lands, remove the encroachments and retrieve the same in accordance with law.

6. In view of the above, the second respondent is directed to conduct a detail enquiry after giving an opportunity of hearing to the petitioner and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

10.12.2024



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To

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G.K.ILANTHIRAIYAN, J.

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